

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT  
and their marital community,

Defendants.

No. 2:17-cv-00106-RSM

DECLARATION OF NIKKI C. CARSLY  
IN SUPPORT OF AGENT EGBERT'S  
MOTION TO COMPEL

NOTED FOR CONSIDERATION:  
March 9, 2018

ERIK EGBERT,

Counterclaimant,

v.

ROBERT BOULE,

Counterdefendant.

I declare under penalty of perjury under the laws of the United States that I am over the page of 18 and am otherwise competent to testify, and that the following is true and correct.

1. I am one of the attorneys for Agent Egbert in this matter.

1           2.       Attached as **Exhibit A** is a copy of Mr. Boule's Amended Initial Disclosure,  
2       which was served on August 3, 2017. As a courtesy to protect privacy, my office redacted the  
3       contact information of persons listed therein. On August 4, 2017, my office received the  
4       documents referenced in the Amended Initial Disclosure.

5           3.       Attached as **Exhibit B** is a copy of Agent Egbert's First Set of Interrogatories  
6       and Requests for Production to Robert Boule, which were served on August 8, 2017.

7           4.       Attached as **Exhibit C** is a copy of Mr. Boule's discovery responses, which  
8       were served on October 9, 2017. My office has redacted Mr. Boule's date of birth and Social  
9       Security number consistent with FRCP 5.2 and LCR 5.2. As a courtesy to further protect his  
10      privacy, my office redacted his home address, telephone number, and e-mail address. My office  
11      also redacted contact information for Mr. Boule's employees as a courtesy to protect their  
12      privacy.

13          5.       Attached as **Exhibit D** is a copy of a letter my office sent Mr. Boule's attorneys  
14      on January 26, 2018, requesting supplementation of Plaintiff's incomplete initial disclosure  
15      and discovery responses. I also requested a discovery conference to discuss the requested  
16      supplementation. Mr. Boule's attorneys agreed to confer at the suggested time.

17          6.       On January 31, 2018, I conferred by phone with Mr. Boule's attorneys  
18      regarding these discovery issues.

19          7.       Attached as **Exhibit E** is a copy of a letter my office sent Mr. Boule's attorneys  
20      on February 5, 2018, which memorializes our January 31 discovery conference, including the  
21      supplementation Mr. Boule's attorneys agreed to provide. Mr. Boule's attorneys didn't contest  
22      my summary of our conversation. The letter's enclosures aren't included.

1           8.       Attached as **Exhibit F** is a copy of a letter I received from Mr. Boos on February  
2       7, 2018, which provided some of the supplementation agreed upon during the January 31  
3       discovery conference. As a courtesy to protect privacy, my office redacted the contact  
4       information listed therein.

5           9.       Attached as **Exhibit G** is a letter I sent to Mr. Boos on February 8, 2018, in  
6       response to his February 7 letter. This letter requests further information about the  
7       supplementation Mr. Boos provided the day before. As a courtesy to protect privacy, my office  
8       redacted the contact information listed therein.

9           10.      Attached as **Exhibit H** is a letter I received from Mr. Boos on February 13,  
10      2018, which provided more of the supplementation agreed upon during the January 31  
11      discovery conference. My office has redacted information from this letter that Mr. Boule has  
12      designated as confidential under the Protective Order (Dkt. 16).

13          11.      On February 22, 2018, I again conferred by phone with Breean Beggs, one of  
14      Boule's attorneys. Agent Egbert narrowed the scope of this motion based on Mr. Beggs'  
15      representations that: (1) Mr. Boule is not claiming any medical visits are related to the incident  
16      other than those listed on pages 3–4 of Exhibit H; and (2) all injuries, medical conditions, and  
17      exacerbated conditions that Mr. Boule alleges resulted from the incident have resolved.

18          12.      Attached as **Exhibit I** is a letter I received from Mr. Beggs on February 22 after  
19      our call.

20          13.      To date my office has collected over 1000 pages of medical records pursuant to  
21      a release Mr. Boule signed authorizing us to do so. My office has been unable to locate chart  
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1 notes referencing some of the injuries and medical conditions Mr. Boule contends were caused  
2 by Agent Egbert.

3 14. Pursuant to FRCP 37(a)(1), I certify that I conferred in good faith with  
4 Plaintiff's counsel in an attempt to obtain the information missing from his initial disclosure  
5 and discovery responses without court action.

6 Signed this 22nd day of February 2018 at Seattle, Washington.

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8 By:

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10 Nikki C. Carsley  
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**CERTIFICATE OF SERVICE**

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Breean Lawrence Beggs: bbeggs@pt-law.com, hhoffman@pt-law.com, lswift@pt-law.com

Gregory Donald Boos: gdboos@cascadia.com

W. Scott Railton: srailton@cascadia.com

I further certify that I mailed a true and correct copy of the foregoing to the following non-CM/ECF participants by U.S. Mail:

N/A

DATED: February 22, 2018

s/Anna Armitage  
Anna Armitage